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PATENT

Customer No. 22,852

Attorney Docket No. 07787.0042

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
James J. MOND et al.) Group Art Unit: 1653
Serial No.: 09/874,991) Examiner: Unassigned
Filed: June 7, 2001)
For: IMMUNOSTIMULATORY)
RNA/DNA HYBRID MOLECULES)

Commissioner for Patents and Trademarks
Washington, DC 20231

Sir:

**RESPONSE TO NOTIFICATION TO COMPLY WITH REQUIREMENTS
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

This paper is being filed in response to the Notification to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures ("the Notice"), which was mailed December 4, 2002.

In the Notice, the Office indicated that the Sequence Listing submission, filed October 22, 2002, failed to comply with the requirements of 37 C.F.R. 1.822 and/or 1.823. Applicant's enclose and file herewith revised paper and computer readable copies of the Sequence Listing.

The Office indicated on the marked-up copy of the previously filed sequence listing that SEQ ID NO:9 had been improperly deleted. Applicants have added back an

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entry for SEQ ID NO:9, indicating the sequence as "000", to reflect that this sequence no longer appears in the application.

The Office also alleged that applicants had not complied with the requirements of 37 C.F.R. § 1.823, because the entries in the <223> field of the sequence listing did not sufficiently describe the source of the genetic material of the artificial sequences. Applicants note that, for each sequence denototed "Artificial Sequence" in the <213> field, the <223> field indicates that the sequence is "synthetic". During a telephone conversation between Scott Lee (in the Office of the undersigned) and Mark Spencer (of the PTO) on January 31, 2003, Mr. Spencer confirmed that a reference to the synthetic nature of the disclosed sequences in the <213> field was sufficient to comply with the sequence rules. Accordingly, the undersigned believes that the enclosed sequence listing conforms with all requirements of the rules. If the Office does not agree, please telephone the undersigned so that this issue can be resolved in a timely manner.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this response, such extension is hereby respectfully requested and authorization is hereby granted to charge any such extension fee to our Deposit Account No. 06-0916. If there are any fees due under 37 C.F.R. §§ 1.16 or

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1.17 which are not enclosed herewith, please similarly charge such fees to our Deposit
Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 4, 2003

By: 

Robert A. Pollock
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